

REMARKS

In the outstanding office action claims 1-12 were rejected under 35 USC §112. Specifically, the Examiner argued that the "dynamic seal" element was unclear. Accordingly, applicants have amended the claims to more clearly define the invention and submit the indefiniteness rejection should be withdrawn.

Concerning the rejection based on 35 U.S.C. 102, amended claim 1 specifies, *inter alia*, that the encoder element of the dynamic seal has at least one annular surface to which the lip is bonded. EP 0 949 510 ("EP 510") does not disclose nor suggest such a limitation. In fact, "EP 510" describes a first sleeve (1) secured to the shaft on which an encoder element (8) is fixed, and a second sleeve or supporting member (4) secured to a casing (7). The sealing lip (6) is bonded to said second sleeve (4), and not bonded to an encoder element. As "EP 510" fails to disclose each and every element of the pending claims, applicants respectfully submit that the anticipation rejection should be withdrawn as well.

In light of the foregoing, the application is in condition for allowance and applicants solicit same. Should the Examiner have any questions, he is invited to telephone the undersigned.

Dated: December 1, 2004

Respectfully submitted,

By 

Thomas A. Miller

Registration No.: 40,091

MARSHALL, GERSTEIN & BORUN LLP

233 S. Wacker Drive, Suite 6300

Sears Tower

Chicago, Illinois 60606-6357

(312) 474-6300

Attorney for Applicant